



## 97TH GENERAL ASSEMBLY

### State of Illinois

#### 2011 and 2012

#### SB3777

Introduced 2/10/2012, by Sen. William E. Brady

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/21.1 new  
20 ILCS 415/9

from Ch. 127, par. 63b109

Amends the Illinois Public Labor Relations Act. Requires any collective bargaining agreement or supplemental agreement entered into, amended, or renewed, on or after the effective date of the amendatory Act, by the Governor, or any agency, bureau, department, division, or office under the jurisdiction of the Governor, and a labor organization that represents State employees to be reduced to writing. Requires the Governor, or his or her designee, to file each agreement with the Clerk of the House of Representatives and the Secretary of the Senate. Authorizes the General Assembly, by joint resolution, to approve each agreement as a whole or to reject each agreement as a whole. Provides that an agreement shall be deemed approved if a public hearing concerning the agreement has been held and the General Assembly fails to vote to approve or reject the agreement within 30 calendar days after filing or submittal, as applicable. Sets forth other procedural requirements. Provides for the repeal of these provisions on January 13, 2015. Makes conforming changes in the Personnel Code. Effective immediately.

LRB097 20438 JDS 65932 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by adding Section 21.1 as follows:

6 (5 ILCS 315/21.1 new)

7 Sec. 21.1. General Assembly approval of collective  
8 bargaining agreements with State employee unions. Any  
9 collective bargaining agreement entered into, amended, or  
10 renewed, on or after the effective date of this amendatory Act  
11 of the 97th General Assembly, by the Governor, or any agency,  
12 bureau, department, division, or office under the jurisdiction  
13 of the Governor, and a labor organization that represents State  
14 employees must be reduced to writing. The agreement, together  
15 with a request for funds necessary to fully implement the  
16 agreement and for approval of provisions of the agreement that  
17 are in conflict with a statute or a rule of a State agency or  
18 department, shall be filed by the Governor, or his or her  
19 designee, with the Clerk of the House of Representatives and  
20 the Secretary of the Senate within 10 calendar days after the  
21 date on which the agreement is reached. By joint resolution,  
22 the General Assembly may approve an agreement as a whole or  
23 reject an agreement as a whole. If rejected, the matter shall

1 be returned to the parties for further bargaining. Once  
2 approved by joint resolution of the General Assembly, any  
3 provision of an agreement need not be resubmitted by the  
4 parties to the agreement as part of a future contract approval  
5 process, unless changes in the language of the provision are  
6 negotiated by the parties. Any supplemental understanding  
7 reached between the parties containing provisions that would  
8 supersede any statute or rule of a State agency or department,  
9 or that would require additional State funding shall be  
10 submitted to the Clerk of the House of Representatives and the  
11 Secretary of the Senate and shall be approved by the General  
12 Assembly in the same manner as an agreement. If the General  
13 Assembly is in session when an agreement is filed, the General  
14 Assembly shall, within 30 calendar days after the date of  
15 filing, vote to approve or reject the agreement and hold at  
16 least one public hearing concerning the agreement. If the  
17 General Assembly is not in session when an agreement is filed,  
18 the agreement shall be submitted to the Clerk of the House of  
19 Representatives and the Secretary of the Senate within 10  
20 calendar days after the first day of the next regular session  
21 or special session called for that purpose, and a public  
22 hearing concerning the agreement shall be held within 30  
23 calendar days after the agreement is submitted. The agreement  
24 shall be deemed approved if a public hearing concerning the  
25 agreement has been held and the General Assembly fails to vote  
26 to approve or reject the agreement within 30 calendar days

1 after filing or submittal, as applicable. However, the  
2 30-calendar-day period shall not begin or expire unless the  
3 General Assembly is in regular session and shall not expire  
4 until the requisite public hearing has been held. For the  
5 purpose of this Section, any agreement filed with the Clerk of  
6 the House of Representatives or Secretary of the Senate within  
7 30 calendar days before the commencement of a regular session  
8 of the General Assembly shall be deemed to be filed on the  
9 first day of that session. This Section is repealed on January  
10 13, 2015.

11 Section 10. The Personnel Code is amended by changing  
12 Section 9 as follows:

13 (20 ILCS 415/9) (from Ch. 127, par. 63b109)

14 Sec. 9. Director, powers and duties. The Director, as  
15 executive head of the Department, shall direct and supervise  
16 all its administrative and technical activities. In addition to  
17 the duties imposed upon him elsewhere in this law, it shall be  
18 his duty:

19 (1) To apply and carry out this law and the rules adopted  
20 thereunder.

21 (2) To attend meetings of the Commission.

22 (3) To establish and maintain a roster of all employees  
23 subject to this Act, in which there shall be set forth, as to  
24 each employee, the class, title, pay, status, and other

1 pertinent data.

2 (4) To appoint, subject to the provisions of this Act, such  
3 employees of the Department and such experts and special  
4 assistants as may be necessary to carry out effectively this  
5 law.

6 (5) Subject to such exemptions or modifications as may be  
7 necessary to assure the continuity of federal contributions in  
8 those agencies supported in whole or in part by federal funds,  
9 to make appointments to vacancies; to approve all written  
10 charges seeking discharge, demotion, or other disciplinary  
11 measures provided in this Act and to approve transfers of  
12 employees from one geographical area to another in the State,  
13 in offices, positions or places of employment covered by this  
14 Act, after consultation with the operating unit.

15 (6) To formulate and administer service wide policies and  
16 programs for the improvement of employee effectiveness,  
17 including training, safety, health, incentive recognition,  
18 counseling, welfare and employee relations. The Department  
19 shall formulate and administer recruitment plans and testing of  
20 potential employees for agencies having direct contact with  
21 significant numbers of non-English speaking or otherwise  
22 culturally distinct persons. The Department shall require each  
23 State agency to annually assess the need for employees with  
24 appropriate bilingual capabilities to serve the significant  
25 numbers of non-English speaking or culturally distinct  
26 persons. The Department shall develop a uniform procedure for

1 assessing an agency's need for employees with appropriate  
2 bilingual capabilities. Agencies shall establish occupational  
3 titles or designate positions as "bilingual option" for persons  
4 having sufficient linguistic ability or cultural knowledge to  
5 be able to render effective service to such persons. The  
6 Department shall ensure that any such option is exercised  
7 according to the agency's needs assessment and the requirements  
8 of this Code. The Department shall make annual reports of the  
9 needs assessment of each agency and the number of positions  
10 calling for non-English linguistic ability to whom vacancy  
11 postings were sent, and the number filled by each agency. Such  
12 policies and programs shall be subject to approval by the  
13 Governor. Such policies, program reports and needs assessment  
14 reports shall be filed with the General Assembly by January 1  
15 of each year and shall be available to the public.

16 The Department shall include within the report required  
17 above the number of persons receiving the bilingual pay  
18 supplement established by Section 8a.2 of this Code. The report  
19 shall provide the number of persons receiving the bilingual pay  
20 supplement for languages other than English and for signing.  
21 The report shall also indicate the number of persons, by the  
22 categories of Hispanic and non-Hispanic, who are receiving the  
23 bilingual pay supplement for language skills other than  
24 signing, in a language other than English.

25 (7) Subject to the requirements of Section 21.1 of the  
26 Illinois Public Labor Relations Act, to ~~to~~ conduct negotiations

1 affecting pay, hours of work, or other working conditions of  
2 employees subject to this Act.

3 (8) To make continuing studies to improve the efficiency of  
4 State services to the residents of Illinois, including but not  
5 limited to those who are non-English speaking or culturally  
6 distinct, and to report his findings and recommendations to the  
7 Commission and the Governor.

8 (9) To investigate from time to time the operation and  
9 effect of this law and the rules made thereunder and to report  
10 his findings and recommendations to the Commission and to the  
11 Governor.

12 (10) To make an annual report regarding the work of the  
13 Department, and such special reports as he may consider  
14 desirable, to the Commission and to the Governor, or as the  
15 Governor or Commission may request.

16 (11) To conduct research and planning regarding the total  
17 manpower needs of all offices, including the Lieutenant  
18 Governor, Secretary of State, State Treasurer, State  
19 Comptroller, State Superintendent of Education, and Attorney  
20 General, and of all departments, agencies, boards, and  
21 commissions of the executive branch, except state-supported  
22 colleges and universities, and for that purpose to prescribe  
23 forms for the reporting of such personnel information as the  
24 department may request both for positions covered by this Act  
25 and for those exempt in whole or in part.

26 (12) To prepare and publish a semi-annual statement showing

1 the number of employees exempt and non-exempt from merit  
2 selection in each department. This report shall be in addition  
3 to other information on merit selection maintained for public  
4 information under existing law.

5 (13) To authorize in every department or agency subject to  
6 Jurisdiction C the use of flexible hours positions. A flexible  
7 hours position is one that does not require an ordinary work  
8 schedule as determined by the Department and includes but is  
9 not limited to: 1) a part time job of 20 hours or more per week,  
10 2) a job which is shared by 2 employees or a compressed work  
11 week consisting of an ordinary number of working hours  
12 performed on fewer than the number of days ordinarily required  
13 to perform that job. The Department may define flexible time to  
14 include other types of jobs that are defined above.

15 The Director and the director of each department or agency  
16 shall together establish goals for flexible hours positions to  
17 be available in every department or agency.

18 The Department shall give technical assistance to  
19 departments and agencies in achieving their goals, and shall  
20 report to the Governor and the General Assembly each year on  
21 the progress of each department and agency.

22 When a goal of 10% of the positions in a department or  
23 agency being available on a flexible hours basis has been  
24 reached, the Department shall evaluate the effectiveness and  
25 efficiency of the program and determine whether to expand the  
26 number of positions available for flexible hours to 20%.

1           When a goal of 20% of the positions in a department or  
2 agency being available on a flexible hours basis has been  
3 reached, the Department shall evaluate the effectiveness and  
4 efficiency of the program and determine whether to expand the  
5 number of positions available for flexible hours.

6           Each department shall develop a plan for implementation of  
7 flexible work requirements designed to reduce the need for day  
8 care of employees' children outside the home. Each department  
9 shall submit a report of its plan to the Department of Central  
10 Management Services and the General Assembly. This report shall  
11 be submitted biennially by March 1, with the first report due  
12 March 1, 1993.

13           (14) To perform any other lawful acts which he may consider  
14 necessary or desirable to carry out the purposes and provisions  
15 of this law.

16           The requirement for reporting to the General Assembly shall  
17 be satisfied by filing copies of the report with the Speaker,  
18 the Minority Leader and the Clerk of the House of  
19 Representatives and the President, the Minority Leader and the  
20 Secretary of the Senate and the Legislative Research Unit, as  
21 required by Section 3.1 of "An Act to revise the law in  
22 relation to the General Assembly", approved February 25, 1874,  
23 as amended, and filing such additional copies with the State  
24 Government Report Distribution Center for the General Assembly  
25 as is required under paragraph (t) of Section 7 of the State  
26 Library Act.

1 (Source: P.A. 86-1004; 87-552; 87-1050.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.